

Exhibit G(III), Motion to Try Petition on Hearing Record

County of Kings
State of New York

Case 29-CA-261755

CONFIDENTIAL TELEPHONE WITNESS AFFIDAVIT

I, Tristian Martinez, being duly sworn upon my oath, hereby state as follows:

I have been given assurances by an agent of the National Labor Relations Board that this Confidential Witness Affidavit will be considered a confidential law enforcement record by the Board and will not be disclosed unless it becomes necessary to produce the Confidential Witness Affidavit in connection with a formal proceeding.

I reside at [REDACTED]

My cellphone number is [REDACTED]; my email address is: [REDACTED]

- 1 1. I am employed by Amazon (the Employer or Amazon). I have been employed by
- 2 Amazon for the last three years. I started sometime in 2019. I am employed as a
- 3 Fulfillment Associate. I work as a packer and amnesty technician. I work at the
- 4 Employer's Warehouse JFK8 located in Staten Island, New York (JFK8 or the
- 5 Warehouse).
- 6 2. I work Monday, Tuesday, Thursday, and Friday. My work schedule is from 7:15 AM
- 7 to 5:45 PM.
- 8 3. At the end of March 2020, my coworkers and I began organizing around COVID-19
- 9 related issues. I helped plan the employee walk-out in March 2020. I was in the

PLAN EMPLOYEE ACTIONS
TO COMPLAIN ABOUT AMAZON'S
COVID-19 RESPONSE

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Privacy Act Statement

The NLRB is asking you for the information on this form on the authority of the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the NLRB in processing representation and/or unfair labor practice cases and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). Additional information about these uses is available at the NLRB website, www.nlrb.gov. Providing this information to the NLRB is voluntary. However, if you do not provide the information, the NLRB may refuse to continue processing an unfair labor practice or representation case, or may issue you a subpoena and seek enforcement of the subpoena in federal court.

Initials 

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- 1 breakroom with Christian Smalls (Smalls) and Derrick Palmer (Derrick) when we
 2 planned the walk-out.
- 3 4. After Smalls and Gerald Bryson (Bryson) were fired in 2020, I became afraid for my
 4 job. I cut off all communications with Smalls, Bryson, and Derrick.
- 5 5. I started working at Amazon at around the same time that Bryson started working at
 6 Amazon. ~~I saw that Bryson got fired for protesting.~~ ~~I could not afford to get fired for~~ ~~protesting.~~ ~~After Smalls and Bryson were fired, I decided to back away from my~~
 7 ~~IT WAS MY UNDERSTANDING SPEAKING OUT ABOUT PROBLEMS WITH AMAZON'S COVID-19 RESPONSE~~
 8 coworkers and did not participate in any organizing efforts at JFK8.
- 9 6. I do not know of any other employees who started organizing in 2020 around COVID-
 10 19 related issues but became discouraged after Smalls and Bryson were fired and
 11 stopped organizing like I did.
- 12 7. Over the past two years, I have participated in multiple rallies outside of Amazon.
 13 Comparing the rallies outside of Amazon in March 2020 to the most recent rally that I
 14 went to in the Summer 2021, I'd say that I've noticed an increase in participation from
 15 Amazon employees at the rally in summer 2021. ~~I THINK THE INCREASE IS BECAUSE OF THE ORGANIZING THAT HAS BEEN DONE~~ ~~SINCE~~
 16 8. Sometime in Winter 2020, I began participating in organizing again. In Winter 2020, ~~MARCH~~
 17 I joined the demonstrations planned by the Congress of Essential Workers (TCOEW). ~~2020~~
 18 Smalls and Derrick started the TCOEW. For example, I protested with TCOEW at
 19 Jeff Bezos's penthouse in Manhattan. I returned to join my coworkers in organizing
 20 because TCOEW was an established organization. I felt that I had more protection
 21 against being fired if I protested with an established organization.
- 22 9. Sometime in about the Spring 2021, I became involved with the Amazon Labor Union
 23 (ALU or Union). I am organizer for the ALU. The ALU holds weekly meetings by

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1 Zoom. All of the employees on the Telegram chat are invited to join the weekly Zoom
 2 meetings. I participated in the ALU Zoom meetings up until the summer 2021. I have
 3 not participated in the weekly Zoom meetings lately due to personal obligations. I plan
 4 on leaving Amazon soon and joining the army.

5 10. I cannot think of any employees that regularly participated in the weekly Zoom
 6 meetings but later stopped attending the weekly Zoom meetings.

7 11. From about April 2021 to present, I have been collecting Union authorization cards on
 8 behalf of the ALU. No Amazon employee has asked me to return their signed Union
 9 authorization card. I collected cards at the ALU tent. To my knowledge, the ALU ~~did~~
 10 ~~not~~ ^{DOES} keep a list of employees that signed authorization cards. The ALU kept a list of
 11 volunteers that signed up to be at the tent.


12 12. The ALU authorization cards ask employees to check "yes" or "no" as to if they want
 13 to join the organizing committee. Employees that check "yes" are added to the ALU
 14 Telegram chat. The ALU organizing committee uses the Telegram chat to update and
 15 report to each other on what's going on at JFK8. ^{OFTEN WHEN THINGS HAPPEN} Anything that happens at Amazon we
 16 inform the Telegram chat and share advice on what to do when Amazon representatives
 17 stop us from organizing.

18 13. In the beginning of the organizing campaign in about April 2021, employees refused
 19 to wear ALU tee shirts and masks that we gave them after they signed Union
 20 authorization cards. In the beginning of the campaign, employees told me that they did
 21 not want to wear the tee-shirts and masks because they were afraid. During that time a
 22 lot of employees told me that they did not want to get involved with the ALU because
 23 they did not want to get in trouble or be fired.


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1 14. Sometime before the summer 2021, I felt that getting union authorizations cards signed
 2 was slow. I believe that as Amazon was more openly against us, it helped the ALU get
 3 support from employees.

4 15. Sometime in the summer 2021, a third-party hired by Amazon told Union member
 5 Natalie M. that ALU was run by thugs. Natalie informed employees in the Telegram
 6 chat about the thug comment. Amazon sometimes refers to these third-party hires as
 7 Employees Relations. ALU members refer to these third-party hires as Union busters.

8 16. Around the same time of the thug comment, Amazon started posting messages to
 9 employees about the ALU. For example, one of Amazon's messages said something
 10 like the authorization cards were legally binding. I spoke with employees who did their
 11 own research and figured out that Amazon was saying things that were not true and
 12 ^{WERE} only to disparage the ALU. 

13 17. Someone in the summer 2021, I distributed some ALU literature in the employee
 14 breakroom. An employee saw an Amazon Human Resource Representative (HR)
 15 remove the literature that I placed on the tables.

16 18. After the HR confiscated the literature that I placed in the breakroom, an employee
 17 from the social distancing ^{TEAM} refused to talk to me. I do not recall the name of the 
 18 employee at this time. Before HR confiscated the literature, I had been speaking with
 19 the social distancing employee for a few weeks about signing an authorization card.


20 19. Sometime in the ^{SPRING OR} summer 2021, a security guard took Union literature ^{FROM} ALU organizer 
 21 Connor (LNU). Around this time, I took video of security guards watching the ALU
 22 members at the tent. I know that these incidences were discussed in the Telegram Chat.
 23 No employees in the chat have expressed being afraid to support the Union after these
 24 incidences.

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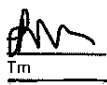

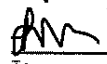
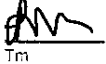
- 1 20. After the thug comment in Summer 2021, more employees began wearing ALU tee-
 2 shirts and masks at work. I believe that the more Amazon talked bad about the ALU,
 3 the more support the ALU got from employees. I believe that more employees signed
 4 cards after the Union busters arrived at JFK8.
- 5 21. I have had a few employees tell me that it's pointless to join the Union. ~~I cannot recall~~
 6 ~~SOME~~ if the employees told me it was pointless to join the Union around the time that Amazon 
 7 was saying false things about the ALU.
- 8 22. Amazon's peak holiday season starts at the end of this month. ^{I BELIEVE WAS} Amazon is currently
 9 ^{AS OF NOW} hiring at a hotel. Amazon has hired on my shift in the pack singles department alone
 10 ^{30 OR 40 MORE} ~~more than double the employees that currently work there.~~ ^{THAN USED TO WORK THERE.} 
- 11 23. I noticed that the Union busters are now going from station to station, and speaking
 12 ~~only~~ to the new hires about the ALU in groups. ^{I BELIEVE AMAZON IS}
 13 ^{ALSO HAVING MEETINGS WITH EMPLOYEES SPECIFICALLY} ~~TO TALK TO THEM ABOUT THE ALU IN THE "DAY ONE ROOM" AT~~
 14 24. Even though Amazon is hiring more employees, Amazon has gone back to the policies ^{JFK8.}
 15 ^{AND COMPLAINING ABOUT} that we were protesting against in March 2020. With more employees in JFK8 and no
 16 COVID safety protocols, it will be even more difficult to maintain safe social
 17 distancing at JFK8. ^{AMAZON HAS EVEN REMOVED THE MOST BASIC PROTECTIONS}
 18 ^{AGAINST COVID INCLUDING TEMPERATURE CHECKS.} 
- 19 25. Sometime in September/August 2021, Amazon stopped enforcing its mask policy.
 20 Around the same time, Amazon disbanded all social distancing teams ^{INCLUDING} except at the 
 21 entrance. There used to be social distancing team members in the breakrooms and
 22 ^{AT} throughout JFK8. Amazon now has one person enforcing social distancing at its four
 23 ^{AMAZON IS NO LONGER CHECKING} ~~door entrance.~~ The person enforcing social distancing at the entrance does not take
 24 ^{ENSURING} employee temperatures, ^{OR CONSISTENTLY TELLING} make sure employees practice distancing, ~~nor~~ tell employees
 25 to wear their masks.

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1 26. Sometime in the summer ^{OF} 2021, Amazon stopped reporting individual positive cases by
 2 text messages. Amazon is now sending text messages that say, "check your A-to-Z
 3 application" and the subject line of the message in the application says, "Important
 4 Operations Updates." The messages do not say how many positive cases are being
 5 reported or the area where the person who tested positive works. Before summer 2021,
 6 employees were ^{MORE EASILY} able to keep track of how many positive cases there were at JFK8
 7 because we could count the number of text messages that we received. Before summer
 8 2021, it was also much easier for us to receive the positive test notifications because
 9 we did not have to go into the app.

10 ~~IN SPRING OR SUMMER 2021, I~~ AROUND APRIL 2021, I
 27. I recently found out that Amazon changed its contract tracing policy. I came into close
 11 contact with an employee that tested positive for COVID. For two days, I went to HR
 12 to let them know that I was in close contact with someone who tested positive for
 13 COVID and that I had questions about contact tracing. HR ^{AT JFK8} told me that they would get
 14 ^{JUST SENT ME BACK} back to me. I posted ^{SEVERAL MESSAGES} a message on the VOA boards stating that I wanted to speak to
 15 someone immediately about contact tracing. ^{EVENTUALLY} Almost immediately after posting the
 16 ^{ANOTHER} message on the VOA board, I was called to a manager's office. Present in the
 17 manager's office was a safety supervisor and a Regional Loss Prevention Manager who
 18 had an Australian accent. The Regional Loss Prevention Manager ^{INTRODUCED HIMSELF AS THE REGIONAL LOSS PREVENTION} told me that the
 19 contract tracing policy had changed. I asked why employees were not told about the
 20 change. The ^{SAFETY SUPERVISOR} Regional Loss Prevention Manager said that Amazon did not want to
 21 cause an unnecessary panic. ^{I WAS NEVER TOLD TO QUARANTINE.}

22 I am being provided a copy of this Confidential Witness Affidavit for my review. If,
 23 after reviewing this affidavit again, I remember anything else that is relevant, or
 24 desire to make any changes, I will immediately notify the Board agent. I understand
 25 that this affidavit is a confidential law enforcement record and should not be shown
 26 to any person other than my attorney or other person representing me in this
 27 proceeding.

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1 I have read this Confidential Witness Affidavit consisting of (7) pages, including this
2 page, I fully understand it, and I state under penalty of perjury that it is true and
3 correct. However, if after reviewing this affidavit again, I remember anything else
4 that is important or I wish to make any changes, I will immediately notify the Board
5 agent.

6

Date: Nov 10, 2021

Signature: 

Tristian Martinez (Nov 10, 2021 20:59 EST)

Tristian Martinez

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Signed and sworn to before me by telephone on November 3, 2021

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12


Evamaria Cox

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Board Agent

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National Labor Relations Board

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2021.11.10_Trastian Martinez_Affidavit Final

Final Audit Report

2021-11-11

Created:	2021-11-11
By:	Frank Kearn (frank.kearn@maketheroadny.org)
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-  Document created by Frank Kearn (frank.kearn@maketheroadny.org)
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-  Document emailed to Trastian Martinez (trastian48@gmail.com) for signature
2021-11-11 - 0:45:04 AM GMT
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